

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Katsuhiko HIRAMATSU et al. Group Art Unit: 2687

Appln. No.: 10/088,650 Examiner: U. Cho

Filed: March 20, 2002

For: BASE STATION APPARATUS AND CHANNEL ASSIGNING METHOD

RESPONSE UNDER 37 CFR § 1.116

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Rejection dated June 13, 2005, the Applicants hereby petition for a two-month extension of time and request reconsideration and allowance in light of the following remarks.

The Final Rejection states that Applicants have not filed a certified copy of the priority document 2000-228571. The Applicants respectfully note that the certified copy was filed with the PCT International Application in compliance with Rule 17.1(a) or (b), as evidenced by the enclosed copy of the PCT Notification Concerning Submission or Transmittal of Priority Document, issued by the International Bureau on October 15, 2001. Under Rule 17.2(a), a designated national office may not ask an

applicant to furnish a certified copy of the priority document, when the applicant has complied with the provisions of Rule 17.1(a) or (b). Instead, the designated national office must itself request the certified copy of the priority document from the International Bureau.

Claims 6-9 stand rejected, under 35 USC §103(a), as being unpatentable over Smith (US 5,642,355). The Applicants respectfully traverse the rejections with the following remarks.

One object of embodiments of the claimed invention is to reduce interference in a multi-cell environment so as to enable reuse partitioning when an open loop transmission power is employed on uplink channels.

On the other hand, Smith teaches a method for solving the problem of a signal that cannot be accommodated in a time slot due to the fact that terminals in a cell have different distances to a base station and placing the signal in the time slot would cause interference against other time slots.

Therefore, Smith and embodiments of the claimed invention are directed to different objects and employ different means.

A feature of the present claimed invention is to measure reception timing deviation and to determine the order in which slots are subjected to channel retrieval based on reception timing deviation, so as to achieve the above-mentioned object.

In contrast, Smith does not disclose measuring reception timing deviation, as defined by claims 6 and 8, because the object of Smith is different from the present invention.

As noted in the Final Rejection, Smith may describe measuring reception timing (see Smith col. 5, lines 11-31), but does not disclose measuring reception timing deviation. As also noted in the Final Rejection, Smith may disclose a method for assigning slots based on reception timing (col. 6, line 48, through col.7, line 20). However, Smith does not disclose determining the order in which slots are subjected to channel retrieval based on reception timing deviation.

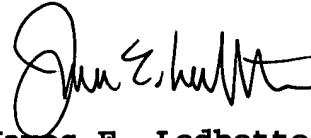
Accordingly, the Applicants respectfully submit that Smith does not suggest the subject matter defined by independent claims 6 and 8. More specifically, Smith does not suggest the feature recited in claims 6 and 8 of determining the order in which each of a plurality of slots is subjected to channel retrieval based on a measured reception timing deviation.

Therefore, the Applicants respectfully submit that allowance of claims 6 and 8 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



James E. Ledbetter  
Registration No. 28,732

Date: November 9, 2005  
JEL/DWW/att

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**NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT**

(PCT Administrative Instructions, Section 411)

Date of mailing (day/month/year)	15 October 2001 (15.10.01)		
Applicant's or agent's file reference	2F01073-PCT		
International application No.	PCT/JP01/06386	International filing date (day/month/year)	24 July 2001 (24.07.01)
International publication date (day/month/year)	Not yet published	Priority date (day/month/year)	28 July 2000 (28.07.00)
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. et al			

**IMPORTANT NOTIFICATION**

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
28 July 2000 (28.07.00)	2000-228571	JP	10 Sept 2001 (10.09.01)

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